

REMARKS

Applicants previously presented claims 1 through 20 for examination. During a telephone conference with the Examiner on March 10, 2005, Applicants' representative agreed to the restriction of claims 13-20 with traverse. In the above-identified Office Action, the Examiner has rejected claims 1-12.

Applicants appreciate the suggestions provided by the Examiner in another telephone conference on May 6, 2005, and have incorporated the suggestions accordingly.

By this amendment, Applicants have added new claims 21-27, cancelled claims 13-20 and amended claims 1, 6-9, 11 and 12 to further clarify the subject matter regarded as the invention. Accordingly, claims 1-12 and claims 21-27 remain pending. Applicants respectfully request that the Examiner reconsider the application in light of the amendments and the remarks expressed herein.

101 Rejection

Claims 1-9, 11 and 12 were rejected under 35 U.S.C. 101. Following the suggestions provided by the Examiner and to expedite the prosecution of the application, Applicants have added into the preamble and the body of the independent claims that the claimed method is implemented by a computing device. Any ambiguity concerning the technological arts should have been removed. Applicants respectfully request the Examiner withdraw the rejection of claims 1-9, 11 and 12 under 35 U.S.C. 101.

103 Rejection

Claims 1-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (USPN 6,741,995, hereinafter "Chen"), in view of Dietrich et al (USPN 6,526,392, hereinafter "Dietrich"). Applicants respectfully disagree.

Chen pertains to methods for creating a customer profile by analyzing relationships in databases. For example, a bank may want to know how much profit each customer is contributing to the bank's bottom line, and then segment the customers based upon their

contributions or other attributes. The methods can display data from different sources to provide visual representations of the data.

Chen does not teach or suggest using the methods to allocate system capacity among a number of customers in a system. That is one of the reasons why, as stated in the Office Action, Chen “does not disclose determining an actual capacity allocation distribution among the plurality of customer groups with reference to the customer order data; and adjusting the range of customer point values associated with selected customer groups to cause the actual capacity allocation distribution to converge to a target capacity allocation distribution.” To remedy the deficiencies, the Office Action introduced Dietrich.

Dietrich pertains to setting a price for a service contract. The method reads data associated with the service, analyzes the data to create customer profiles, evaluates the incremental cost of adding a new customer to a service network, and determines a price range for the service contract. Though Dietrich uses an express package carrier as an example, the methods introduced by Dietrich are quite general and abstract, as shown, for example, by its Figure 2. In that figure, the cost of serving a new customer is generated by inputting a set of inputs to some type of cost function.

The Office Action then indirectly asserted that “evaluat[ing] the incremental cost and resource allocation ... of adding new customer ... to determine the correct price range” reads on Applicants’ claimed invention and cures the above-identified deficiencies. Applicants respectfully disagree.

Dietrich does not teach or suggest adjusting the range of customer point values associated with selected customer groups to cause the actual capacity allocation distribution to converge to a target capacity allocation distribution, as recited in claim 1.

To expedite the prosecution, Applicants have further amended claim 1 to include the limitations of wherein a delivery interface with a plurality of delivery windows is generated to allow a specific customer to select at least one of the windows for delivering an order to the specific customer, and the at least one of the windows available to be selected depends on the customer group to which the specific customer is assigned and the adjusted range of customer point values. Both Chen and Dietrich do not teach or suggest such limitations.

As a side note, in rejecting claim 6, the Office Action stated that Chen "does not disclose generating a delivery window grid" and indirectly asserted that Dietrich does. To support its argument, the Office Action relied on column 7, lines 7-24 in Dietrich and column 4, lines 37-41 in Chen. However, at column 7, lines 7-24, Dietrich teaches extracting customer shipping history and summarizing them to create customer profiles. And, at column 4, lines 37-41, Chen states that other combinatorial functions can be used to segment customers. Both sections do not teach or suggest a delivery interface to allow a customer to select at least one of the windows for delivering an order to the customer.

Thus, it is submitted that Chen and Dietrich do not teach or suggest claim 1. Similarly, dependent claims 2-12 and 21-26 depend from claim 1, and are, therefore, also not taught or suggested by Chen and/or Dietrich for at least the reasons noted above. Additional limitations recited in the independent claim 1 or its dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Chen and/or Dietrich. Thus, it is respectfully requested that the Examiner withdraw the rejections of claims 1-12 under 35 U.S.C. 103(a).

As to the independent claim 27, since a number of the issues described above are also applicable, claim 27 is also submitted to be patentable over Chen and/or Dietrich.

Regarding the remaining references cited by the Examiner, since they have not been applied against any of the claims and do not appear properly applicable thereto, no further mention thereof will be made.

It is submitted that claims 1-13 and 21-27 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

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In the event that the Examiner, upon reconsideration, determines that an action other than an allowance is appropriate, the Examiner is requested and authorized to telephone Applicants' representative prior to taking such action, if the Examiner feels that such a telephone call will advance the prosecution of the present application.

Respectfully submitted,

By: _____
Peter P. Tong
Registration No.: 35,757

5150 El Camino Real
Building A, Suite 22
Los Altos, CA 94022
(650) 903-9200